



House of Representatives

General Assembly

File No. 363

February Session, 2006

House Bill No. 5738

House of Representatives, April 4, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING RECONSIDERED AGENCY DECISIONS UNDER THE UNIFORM ADMINISTRATIVE PROCEDURE ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 4-181a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (a) (1) Unless otherwise provided by law, a party in a contested case
5 may, within fifteen days after the personal delivery or mailing of the
6 final decision, file with the agency a petition for reconsideration of the
7 decision on the ground that: (A) An error of fact or law should be
8 corrected; (B) new evidence has been discovered which materially
9 affects the merits of the case and which for good reasons was not
10 presented in the agency proceeding; or (C) other good cause for
11 reconsideration has been shown. Within twenty-five days of the filing
12 of the petition, the agency shall decide whether to reconsider the final
13 decision. The failure of the agency to make that determination within
14 twenty-five days of such filing shall constitute a denial of the petition.

15 (2) Within forty days of the personal delivery or mailing of the final
 16 decision, the agency, regardless of whether a petition for
 17 reconsideration has been filed, may decide to reconsider the final
 18 decision.

19 (3) If the agency decides to reconsider a final decision, pursuant to
 20 subdivision (1) or (2) of this subsection, the agency shall proceed in a
 21 reasonable time to conduct such additional proceedings as may be
 22 necessary to render a decision modifying, affirming [,] or reversing the
 23 final decision, provided such decision made after reconsideration shall
 24 be rendered not later than ninety days following the date on which the
 25 agency decides to reconsider the final decision.

26 (4) An agency decision made after reconsideration pursuant to this
 27 subsection shall become the final decision in the contested case in lieu
 28 of the original final decision for purposes of any appeal under the
 29 provisions of section 4-183, including, but not limited to, an appeal of
 30 (A) any issue decided by the agency in its original final decision that
 31 was not the subject of any petition for reconsideration or the agency's
 32 decision made after reconsideration, (B) any issue as to which
 33 reconsideration was requested but not granted, and (C) any issue that
 34 was reconsidered but not modified by the agency from the
 35 determination of such issue in the original final decision.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2006	4-181a(a)
-----------	-----------------	-----------

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various State Agencies	Various - Savings	Potential	Potential

Municipal Impact: None

Explanation

The bill clarifies the appeal process for certain state agency decisions made under the Uniform Administrative Procedure Act and establishes a deadline of ninety days for any state agency to render a reconsidered decision in a contested case. These changes would expedite appeals and could thereby result in state savings related to litigation and adjudication.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Various State Agencies	Various - Savings	Potential	Potential	Potential

Municipal Impact: None

OLR Bill Analysis
HB 5738***AN ACT CONCERNING RECONSIDERED AGENCY DECISIONS
UNDER THE UNIFORM ADMINISTRATIVE PROCEDURE ACT.*****SUMMARY:**

This bill establishes a deadline for state agencies to render a reconsidered decision in a contested case. They must issue these decisions within 90 days after deciding to reconsider. By law, agencies can decide to reconsider a final decision in a contested case on their own or pursuant to a petition from a party to the case.

Under the bill, a decision an agency issues in a contested case on reconsideration replaces its original decision as the final decision from which an appeal may be taken. Among other issues, any such appeal may be based on issues the agency (1) decided in its original final decision that were not the subject of the reconsideration; (2) was requested, but declined, to address on reconsideration; and (3) reconsidered but did not modify.

EFFECTIVE DATE: October 1, 2006

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 0 (03/17/2006)